IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS LLC, *Plaintiff*	§	
	§	
	§	**6-20-cv-00473**
-v-	§	**6-20-cv-00474**
	§	**6-20-cv-00475**
DELL TECHNOLOGIES INC., DELL INC., EMC CORPORATION, *Defendant*	§	**6-20-cv-00476**
	§	**6-20-cv-00477**
	§	**6-20-cv-00478**
	§	**6-20-cv-00479**
	§	**6-20-cv-00480**
	§	**6-20-cv-00481**
	§	**6-20-cv-00482**
	§	**6-20-cv-00485**
	§	**6-20-cv-00486**
	§	

CLAIM CONSTRUCTION ORDER

The Court held *Markman* hearings on May 10, 2021 and May 26, 2021. During those hearings, the Court provided its final constructions. The Court now enters those claim constructions.

SIGNED this 27th of May, 2021.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

-473, -478 Cases

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"group of communication traffic" ('144 Patent, Claims 1, 4, 11, 12, 14) [Proposed by Defendants]	Plain and ordinary meaning	"traffic in a VLAN or other identifiable communications group"	Plain-and-ordinary meaning
"V is a group identifier corresponding to the group of communication traffic" ('144 Patent, Claims 1, 11, 14) (Proposed by Defendants)	Plain and ordinary meaning	Plain and ordinary meaning; but the group identifier cannot be a hash value based on packet fields such as source address and destination address	Plain-and-ordinary meaning
"fast propagation" ('921 Patent, Claims 1, 9, 17) (Proposed by Defendants)	Plain and ordinary meaning	Indefinite In the alternative this means "much faster than using the computing means, *e.g.*, by using OSPF routing protocol"	Not indefinite. Plain-and-ordinary meaning wherein the plain-and-ordinary meaning is "faster than using the computing means

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"data plane means for forwarding packets between the nodes" ('921 Patent, Claim 1) / "data plane means for forwarding packets to other nodes in the network" ('921 Patent, Claims 9, 17) (Proposed by both Parties)	Subject to means-plus-function construction. **Claim 1** **Function**: forwarding packets between the nodes **Structure**: 4:44-60 (link interface 216 and switching fabric 214); and equivalent structures **Claim 9 & 17** **Function*:*** forwarding packets to other nodes in the network **Structure*:*** 4:44-60 (link interface 216 and switching fabric 214); and equivalent structures	This term is subject to 35 U.S.C. § 112, ¶ 6. **Claim 1** **Function*:*** forwarding packets between the nodes **Structure*:*** Data plane 202 (distinct from the computing means) including switching fabric 214 and link interface 216; and equivalent structures **Claim 9 & 17** **Function*:*** forwarding packets to other nodes in the network **Structure*:*** Data plane 202 (distinct from the computing means) including switching fabric 214 and link interface 216; and equivalent structures	This term is subject to 35 U.S.C. § 112, ¶ 6. **Claim 1:** **Function**: forwarding packets between the nodes **Structure:** link interface 216 and switching fabric 214 in data plane 202, and equivalent structures **Claim 9 & 17:** **Function:** forwarding packets to other nodes in the network **Structure:** link interface 216 and switching fabric 214 in data plane 202, and equivalent structures

-474, -475, -476, -479 Cases

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"bridge" ('536 Patent, Claims 1, 12) (Proposed by Defendants)	Plain and ordinary meaning	"a network interface device that operates no higher than the data link layer"	Plain-and-ordinary meaning
"channel in a connection-based network" ('536 Patent, Claims 1, 12) (Proposed by Defendants)	Plain and ordinary meaning	"one of the paths that has been established in a network for communications"	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"forwarding system configured to read a priority of a data frame to be forwarded onto the connection-based network by way of the first one of the ports, identify a service interface which the map indicates corresponds to the read user priority and forward the data frame over the channel in the connection-based network associated with the identified service interface" ('536 Patent, Claim 1) (Proposed by Defendants)	Plain and ordinary meaning	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function**: read a priority of a data frame to be forwarded onto the connection-based network by way of the first one of the ports, identify a service interface which the map indicates corresponds to the read user priority and forward the data frame over the channel in the connection-based network associated with the identified service interface **Structure**: Indefinite	Not subject to § 112, ¶ 6. Plain-and-ordinary meaning.

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"means for reading priorities of data frames directed by the bridge to at least a first one of the bridge ports" ('536 Patent, Claim 12) (Proposed by both Parties)	Subject to means-plus-function construction. **Function**: reading priorities of data frames directed by the bridge to at least a first one of the bridge ports **Structure**: bridge, with bridging system and bridge port, and equivalents thereof **Algorithm (if required)**: *see e.g.*, 4:26-37, 5:40-55, 6:4-14, 6:15-42, 7:23-44, 8:21-28, Figs. 1, 2, 4, 5A-I, 6, and equivalents thereof.	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function**: reading priorities of data frames directed by the bridge to at least a first one of the bridge ports **Structure**: Indefinite	Subject to 35 U.S.C. § 112, ¶ 6. **Function**: reading priorities of data frames directed by the bridge to at least a first one of the bridge ports **Structure**: Indefinite due to lack of structure
"stackable trunk port" ('888 Patent, Claims 1, 8, 9, 10, 11–13, 15, 19, 20) (Proposed by Defendants)	Plain and ordinary meaning	"trunk port supporting the Riverstone solution (i.e. the additional extension 802.1Q packet header)"	"trunk port supporting the Riverstone solution (i.e. the additional extension 802.1Q packet header)"

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"backbone VLAN trunk" ('888 Patent, Claims 1, 5–7, 12, 15–20) (Proposed by Defendants)	Plain and ordinary meaning	"data transport trunk links defined between stackable trunk ports on core routers"	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"wherein the selection and association of at least one backbone VLAN ID with each one of the corresponding plurality of backbone VLAN trunks is undertaken irrespective of one of an in-use and a stand-by designation of each one of the plurality of backbone VLAN trunks and each one of the plurality of stackable trunk ports" ('888 Patent, Claim 1) / "wherein the association of the plurality of backbone VLAN IDs with the backbone VLAN trunk is undertaken irrespective of one of an in-use and a stand-by designation of the backbone VLAN trunk and the at least one stackable trunk port" ('888 Patent, Claim 15) (Proposed by Defendants)	Plain and ordinary meaning	"wherein the provisioning method ignores the designation of a backbone VLAN trunk as in-use or stand-by when associating the backbone VLAN ID with the backbone VLAN trunks (as opposed to, during association of VLANs with trunks, explicitly designating physical VLANs associated with a logical VLAN as in-use and explicitly designating other physical VLANs associated with the logical VLAN as back-up)"	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"setting the IPPC of one of the ports of one of said bridges within the MSTI to a lower IPPC when said port is part of the VLAN member set" ('435 Patent, Claims 1, 8, 13) (Proposed by Defendants)	Plain and ordinary meaning	Order of steps: The setting of the IPPC to a lower IPPC must occur after the creation and configuration of the Multiple Spanning Tree Instances step and after the creation of the VLAN member sets step	No order except: • Claims 1 and 8: [d] cannot start until after completion of the actions for the corresponding MSTI and VLAN in [a] and [b], respectively • Claim 13: [e] cannot start until after completion of the actions for the corresponding MSTI and VLAN in [b] and [c], respectively
"ideally" ('435 Patent, Claims 7, 11, 18) (Proposed by Defendants)	Plain and ordinary meaning	Indefinite	Not indefinite. Plain-and-ordinary meaning.

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"processing unit for setting the Internal Port Path Cost (IPPC) of one of the ports of one of said bridges within the MSTI to a high IPPC when said port is not part of the VLAN member set" ('435 Patent, Claim 8) / "processing unit for setting the IPPC of one of the ports of one of said bridges within the MSTI to a lower IPPC when said port is part of the VLAN member set" ('435 Patent, Claim 8) (Proposed by Defendants)	Plain and ordinary meaning	This is subject to 35 U.S.C. § 112, ¶ 6. **Function**: setting the Internal Port Path Cost (IPPC) of one of the ports of one of said bridges within the MSTI [to a high IPPC when said port is not part of the VLAN member set / to a lower IPPC when said port is part of the VLAN member set] **Structure**: Indefinite	Plain-and-ordinary meaning
"rate of change" ('129 Patent, Claim 3) (Proposed by Defendants)	Plain and ordinary meaning	Plain and ordinary meaning; not an instantaneous value measured at a fixed point in time	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"initiating a poll of resources in the nodes of the network by the management station in response to reporting from the node or a time interval being exceeded" ('129 Patent, Claim 3) (Proposed by Defendants)	Plain and ordinary meaning	Both of these events trigger a poll	Plain-and-ordinary meaning

-477, -482 Cases

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"the first set of port interfaces of the multi-chassis link aggregate" ('489 Patent, Claims 1, 8, 15) (Proposed by Defendants)	Plain and ordinary meaning	Indefinite	Not indefinite. Plain-and-ordinary meaning.
"removing, at the network node, the protocol data of a portion of protocol layers from the received data stream" ('020 Patent, Claim 1) / "removes protocol data from a portion of protocol layers from a data stream" ('020 Patent, Claim 6) (Proposed by Defendants)	Plain and ordinary meaning	Indefinite	Not indefinite. Plain-and-ordinary meaning.

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"a control unit which removes protocol data from a portion of protocol layers from a data stream received from the communication network via the second interface, the data stream comprising useful data and the protocol data, and switches a remaining data stream to be transmitted to one of the terminals via the first interface" ('020 Patent, Claim 6) (Proposed by Defendants)	Plain and ordinary meaning; not indefinite under *IPXL*	Indefinite. In the alternative: this term is subject to 35 U.S.C. § 112, ¶ 6. **Function**: [1] removes protocol data from a portion of protocol layers from a data stream received from the communication network via the second interface, the data stream comprising useful data and the protocol data, and [2] switches a remaining data stream to be transmitted to one of the terminals via the first interface **Structure**: control unit CONTR executing function PHN, containing processes P1 to P3 and function SW; and equivalent structures	Not indefinite. Plain-and-ordinary meaning.
"bus system" ('020 Patent, Claims 1, 6) (Proposed by Defendants)	Plain and ordinary meaning	"a network that does not include any active components such as switching nodes, gateways, routers, or bridges, wherein all nodes are connected to a single wire"	"a network that does not include any active components such as switching nodes, gateways, routers, or bridges"

-480, -481, -485, -486 Cases

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"whether a congestion condition exists [on/for] the egress node" ('133 Patent, Claims 1, 12, 13) (Proposed by Defendants)	Plain and ordinary meaning	"whether the egress node is currently congested"	Plain-and-ordinary meaning.
"processing the packets" ('133 Patent, Claims 1, 12, 13) (Proposed by Defendants)	Plain and ordinary meaning	"modifying, at the ingress node, the queuing priority of packets destined for the egress node"	Plain-and-ordinary meaning.
"such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load balancing network than packets associated with egress nodes for which the congestion condition exists" ('133 Patent, Claims 1, 12, 13) (Proposed by Defendants)	Plain and ordinary meaning	"such that packets are marked depending on whether they are destined for a congested egress node, such that marked packets have a different probability of being dropped"	Plain-and-ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"means for determining, for each packet, whether a congestion condition exists on the egress node" ('133 Patent, Claim 12) (Proposed by both Parties)	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** determining, for each packet, whether a congestion condition exists on the egress node **Structure:** processor 210 performing operations at '133 patent, 5:11-20	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** determining, for each packet, whether a congestion condition exists on the egress node **Structure:** Indefinite	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function**: determining, for each packet, whether a congestion condition exists on the egress node **Structure**: processor 210 **Algorithm**: None and thus indefinite for failure to disclose an algorithm.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"means for processing the packets such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load-balancing network than packets associated with egress nodes for which the congestion condition exists" ('133 Patent, Claim 12) (Proposed by both Parties)	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function:** processing the packets such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load-balancing network than packets associated with egress nodes for which the congestion condition exists **Structure:** processor 210 which marks packets in a manner that differentiates queuing priority based on whether the packets are associated with egress nodes for which the congestion condition exists	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function:** processing the packets such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load-balancing network than packets associated with egress nodes for which the congestion condition exists **Structure:** processor 210 which marks the packets such that marked packets have a different probability of being dropped than unmarked packets	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function**: processing the packets such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load-balancing network than packets associated with egress nodes for which the congestion condition exists **Structure/Algorithm**: processor 210 which marks packets in a manner that differentiates queuing priority based on whether the packets are associated with egress nodes for which the congestion condition exists. *See, e.g.*, 5:33-36, 9:61-10:2, and 14:56-62.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"latency cost" ('800 Patent, Claims 1, 13) (Proposed by Defendants)	Plain and ordinary meaning	"communication delay between a compute node and a data node"	Plain-and-ordinary meaning.
"[determining/determine] an assignment objective" ('800 Patent, Claims 1, 13) (Proposed by Defendants)	Plain and ordinary meaning	"select[ing] one of a plurality of assignment objectives"	Plain-and-ordinary meaning[1] [1] – The plain-and-ordinary meaning only excludes hard-coded single-objective assignments. It does not, however, exclude a determination where there may only be a single assignment objective available when the "determination" step is made.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"said element comprises: an element for recording whether a queue is empty or occupied, an element for recording the [number of data cells/quantity of data] contained in a queue, an element identifying a queue from which data is to be output, and an element identifying a group of queues from which data is to be output" ('360 Patent, Claims 1, 26) (Proposed by Defendants)	Plain and ordinary meaning	"said element includes ***all of***: an element for recording whether a queue is empty or occupied, an element for recording the quantity of data contained in a queue, an element identifying a queue from which data is to be output, and an element identifying a group of queues from which data is to be output"	Plain-and-ordinary meaning.
"expected state for said element"; "expected states for that element"; "expected status for said element"; "expected state of said first element" ('360 Patent, Claims 3, 12, 13, 18, 21, 24, 26, 28, 29, 48, 49) (Proposed by Defendants)	Plain and ordinary meaning	"a [state/value] for the [element/parameter] that would be expected if the scheduler is functioning properly"	Plain-and-ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"predetermined state for said element" ('360 Patent, Claim 1) (Proposed by Defendants)	Plain and ordinary meaning	"a state for the element that would be expected if the scheduler is functioning properly"	Plain-and-ordinary meaning.
"computer generated model" ('360 Patent, Claims 1, 18, 21, 26, 44, 45) (Proposed by Defendants)	Plain and ordinary meaning	"a simulated computer model of circuitry describing a scheduler"	Plain-and-ordinary meaning.
"detection means for detecting a state of an element" ('360 Patent, Claims 1 and 18) / "means for detecting the state of at least one element of said scheduler whose state depends on which queue is selected by said scheduler for outputting a test cell" ('360 Patent, Claim 24) (Proposed by Defendants)	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function:** detecting a state of an element **Structure:** module 110, 112, 114, 115, 118, 120, 122, 124, 126, 128, or 130	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** detecting a state of an element **Structure:** modules 110, 112, 114 . . . to 130 using a programming language interface (PLI) as described in '360 patent, 12:11–41	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function**: detecting a state of an element of said scheduler **Structure**: module 110, 112, 114, 115, 118, 120, 122, 124, 126, 128, or 130.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"means for requesting said scheduler model to pass the status of said element to said monitor" ('360 Patent, Claim 1) (Proposed by Defendants)	Subject to § 112, ¶ 6 **Function**: requesting said scheduler model to pass the status of said element to said monitor **Structure:** module 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, or 130	Subject to § 112, ¶ 6 **Function**: requesting said scheduler model to pass the status of said element to said monitor **Structure:** modules 110, 112, 114 . . . to 130 using a programming language interface (PLI) as described in '360 patent, 12:11–41	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function**: requesting said scheduler model to pass the status of said element to said monitor **Structure**: module 110, 112, 114, 115, 118, 120, 122, 124, 126, 128, or 130.
"monitoring means for monitoring a parameter relating to the operation of said scheduler" ('360 Patent, Claim 3) (Proposed by Defendants)	Subject to § 112, ¶ 6 **Function**: monitoring a parameter relating to the operation of said scheduler **Structure:** module 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, or 130	Subject to § 112, ¶ 6 **Function**: monitoring a parameter relating to the operation of said scheduler **Structure:** modules 110, 112, 114 . . . to 130 using a programming language interface (PLI) as described in '360 patent, 12:11–41	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function**: monitoring a parameter relating to the operation of said scheduler **Structure**: module 110, 112, 114, 115, 118, 120, 122, 124, 126, 128, or 130

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"comparing means for comparing the detected state with a predetermined state for said element and for outputting the result of the comparison" ('360 Patent, Claim 1) / "comparison means for comparing the detected parameter with said expected parameter and for outputting the result of the comparison" ('360 Patent, Claim 18) / "means for detecting the state of an element of said scheduler at a plurality of different times and comparing the detected states with expected states and outputting the result of said comparison" ('360 Patent, Claim 21) / "means for detecting the state of an element of said scheduler at a plurality of different times and comparing the detected states with expected states and outputting the result of said comparison" ('360 Patent, Claim 24) (Proposed by Defendants)	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** comparing the detected state with a predetermined state for said element and for outputting the result of the comparison **Structure:** rule checker 132	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** comparing the detected state with a predetermined state for said element and for outputting the result of the comparison **Structure:** Indefinite	This term is subject to 35 U.S.C. § 112, ¶ 6 Function: comparing the detected state with a predetermined state for said element and for outputting the result of the comparison Structure: rule checker 132 with set of rules 134

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"determining means for determining an expected value of said parameter" ('360 Patent, Claim 18) (Proposed by Defendants)	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** determining an expected value of said parameter **Structure:** operation(s) which apply one or more rules interrelating "the detected" state and the "expected value," as explained, for example, at 6:34-37, 6:45-58, and 9:12-11:60	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** determining an expected value of said parameter **Structure:** Indefinite	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function**: determining an expected value of said parameter based on the detected state of said element **Structure**: None and thus indefinite for failure to disclose corresponding structure

The Court did not construe any of the following terms because the Defendants exceeded the limit of 36 terms.

-473, -478 Cases

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction
Entirety of claim 9 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite
Entirety of claim 10 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite
Entirety of claim 11 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite
Entirety of claim 13 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite
Entirety of claim 14 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite
Entirety of claim 15 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite
Entirety of claim 16 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite

Entirety of claim 17 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite
Entirety of claim 18 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite

-480, -481, -485, -486 Cases

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction
"element for recording whether a queue is empty or occupied" ('360 Patent, Claims 1, 5, 6, 7–9, 14–15, 20, 25, 26, 30, 33–35, and 38) (Proposed by Defendants)	No construction required apart from finding this term is not subject to 35 U.S.C. § 112, 6. Alternatively, if deemed subject to 35 U.S.C. § 112, ¶ 6, then, **Function:** recording whether a queue is empty or occupied. **Structure:** data storage within a scheduler, such as, for example, queue status register 165, 167, 201, or 203	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** recording whether a queue is empty or occupied **Structure:** queue status register 165, 167, 201, or 203
"an element for recording the [number of [data] cells/quantity of data] contained in a queue" ('360 Patent, Claims 1, 9, 20, 26, 30, and 38)	No construction required apart from finding this term is not subject to 35 U.S.C. § 112, ¶ 6. Alternatively, if deemed subject to 35 U.S.C. § 112, ¶ 6, then,	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** recording the [quantity of data/number of data cells] contained in a queue

(Proposed by Defendants)	**Function:** recording the [quantity of data / number of cells / number of data cells] contained in a queue; **Structure:** data storage within a scheduler, such as, for example, counter 169, 205, or 207	**Structure:** counter 169, 205, or 207
"an element identifying a queue from which data is to be output" ('360 Patent, Claims 1, 26) (Proposed by Defendants)	No construction required apart from finding this term is not subject to 35 U.S.C. § 112, ¶ 6. Alternatively, if deemed subject to 35 U.S.C. § 112, ¶ 6, then, **Function:** identifying a queue from which data is to be output **Structure:** data storage within a scheduler, such as, for example, pointer 177, 179, 181, 183, 209, 211, 213, or 215	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** identifying a queue from which data is to be output **Structure:** pointer 177, 179, 181, 183, 209, 211, 213, or 215
"an element [indicating / identifying] a group of queues from which data is to be output"[1] ('360 patent, Claims 1, 5, 9, 14, 15, 20, 26, 30, 33, 35, 38) (Proposed by Defendants)	No construction required apart from finding this term is not subject to 35 U.S.C. § 112, ¶ 6. Alternatively, if deemed subject to 35 U.S.C. § 112, ¶ 6, then, **Function:** identifying a queue from which data is to be output	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** [identifying / indicating] a group of queues, from which data is to be output **Structure:** Indefinite

[1] - Defendants briefed the term "an element [identifying/indicating] a group of queues from which data is to be output" as representative for claims	**Structure:** priority selector 173 or 208	